

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SOFTVIEW LLC,)	
)	
Plaintiff,)	
)	Civil Action No. 10-389-JJF-LPS
v.)	
)	
APPLE INC., and AT&T MOBILITY LLC,)	DEMAND FOR JURY TRIAL
)	
Defendants.)	

PLAINTIFF SOFTVIEW'S REPLY TO
DEFENDANT APPLE INC'S COUNTERCLAIM
(REVISED)

Plaintiff and Counterclaim Defendant SoftView LLC ("SoftView"), by and through its undersigned counsel, replies as follows to the Answer, Defenses, and Counterclaims of Defendant Apple Inc. ("Apple"):

1-16. Paragraphs 1-16 of the Answer, Defenses, and Counterclaims contain Apple's responses to the Complaint filed by SoftView on May 10, 2010 and therefore do not require a response from SoftView. To the extent any allegations in paragraphs 1-16 of the Answer, Defenses, and Counterclaims require a responsive pleading, SoftView denies those allegations.

- 17. SoftView denies the allegations in paragraph 17.
- 18. SoftView denies the allegations in paragraph 18.
- 19. SoftView denies the allegations in paragraph 19.
- 20. SoftView denies the allegations in paragraph 20.
- 21. SoftView denies the allegations in paragraph 21.
- 22. SoftView denies the allegations in paragraph 22.

23. SoftView denies the allegations in paragraph 23.

24. SoftView lacks sufficient information to form a belief regarding Apple's alleged reliance on any alleged statements, and therefore denies the allegation that Apple reasonably relied on any such statements. SoftView denies the remaining allegations in paragraph 24.

25. SoftView admits that Apple, by and through its attorneys, asserts a counterclaim against SoftView, but denies that Apple is entitled to any of the relief that it seeks.

26. SoftView is informed of and believes the allegations in paragraph 26, and therefore admits them.

27. SoftView is informed of and believes the allegations in paragraph 27, and therefore admits them.

28. SoftView admits the allegations in paragraph 28.

29. SoftView admits that Apple asserts a counterclaim against SoftView seeking declarations of invalidity and non-infringement of the '353 patent,. SoftView admits that this Court has jurisdiction pursuant to the Patent Laws of the United States, 35 U.S.C. § 1 et seq. and 28 U.S.C. §§ 1331, 2201 and 2202. SoftView is informed and believes that SoftView, Apple, and AT&T Mobility LLC are citizens of different states, and admits that this Court has jurisdiction pursuant to 35 U.S.C. § 1332 on the basis of that information and belief. To the extent not expressly admitted here, SoftView denies the allegations in paragraph 29, and denies that Apple is entitled to any of the relief that it seeks.

30. SoftView admits this Court has personal jurisdiction over SoftView in connection with the declaratory judgment counterclaim pleaded in Apple's Answer,

Defenses, and Counterclaims. To the extent not expressly admitted here, SoftView denies the allegations in paragraph 30.

31. SoftView admits the allegations in paragraph 31.

32. In response to the allegations in paragraph 32, SoftView incorporates its responses to paragraphs 17-31 set forth above as if fully set forth herein.

33. SoftView admits the allegations in paragraph 33.

34. SoftView admits the allegations in paragraph 34.

35. SoftView denies the allegations in paragraph 35.

36. SoftView denies the allegations in paragraph 36.

37. SoftView admits that, as a result of SoftView's allegations of infringement against Apple, an actual and justiciable controversy has arisen and exists between Apple and SoftView pursuant to 28 U.S.C. § 2201(a). SoftView also admits that Apple has asserted a counterclaim seeking declarations of invalidity and non-infringement of the '353 patent. To the extent not expressly admitted here, SoftView denies the allegations in paragraph 37, and denies that Apple is entitled to any of the relief it seeks.

38. SoftView denies the allegations in paragraph 38.

39. SoftView denies the allegations in paragraph 39.

40. In response to Apple's Prayer for Relief, SoftView denies that Apple is entitled to any relief sought in paragraphs A-F of its Answer, Defenses, and Counterclaims.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff and Counterclaim Defendant SoftView prays for judgment as follows on Apple's Counterclaims:

- A. That Apple's Counterclaims be dismissed with prejudice and that Apple take nothing by reason of its Counterclaims;
- B. For a judicial determination that the '353 patent is infringed by Apple;
- C. For a judicial determination that the '353 patent is valid and enforceable;
- D. For a judicial determination that Apple's infringement of the '353 patent is willful;
- E. For an order preliminarily and permanently enjoining Apple, and its directors, officers, employees, attorneys, agents, and all persons in active concert or participation with any of the foregoing, from further acts of infringement of the '353 patent;
- F. For damages resulting from Apple's infringement of the '353 patent and the trebling of such damages because of the willful nature of Apple's infringement;
- G. For an assessment of interest on damages;
- H. For a declaration that this case is exceptional pursuant to 35 U.S.C. § 285 and an award of attorneys' fees and costs in this action; and
- I. For such other and further relief as this Court deems just and equitable.

DEMAND FOR JURY TRIAL

Plaintiff and Counterclaim Defendant SoftView demands jury trial on all issues.

BLANK ROME LLP

/s/ Steven L. Caponi

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